

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY D. ROOKS,

Defendant.

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Case No. 8:10CR153

**FINDINGS AND RECOMMENDATION
AND ORDER**

At the conclusion of the hearing on July 23, 2010, on defendant's Application for *Franks* Hearing (#16), I stated my conclusions on the record and my decision to recommend that the Application for a *Franks* Hearing be denied. In accordance with that announcement, I find that the affidavit for a search warrant contains probable cause for the search warrant as it presents sufficient facts to justify a prudent person in the belief that there is a fair probability that contraband or evidence of a crime (marijuana) will be found in a particular place.

IT IS RECOMMENDED to the Honorable Joseph F. Bataillon, Chief United States District Judge, that the Application for a *Franks* Hearing (#16) be denied in all respects.

FURTHER, IT IS ORDERED:

1. The clerk shall cause a transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 59.2, any objection to the magistrate's Findings and Recommendation shall be filed with the Clerk of the Court within fourteen (14) days after the unredacted transcript is available to counsel. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 23rd day of July 2010.

BY THE COURT:

S/ F.A. Gossett
United States Magistrate Judge